



CITY COUNCIL AGENDA

SEPTEMBER 25, 2007

SYNOPSIS

PETE CONSTANT
FORREST WILLIAMS
SAM LICCARDO
KANSEN CHU
NORA CAMPOS

DISTRICT 1
DISTRICT 2
DISTRICT 3
DISTRICT 4
DISTRICT 5

CHUCK REED MAYOR

PIERLUIGI OLIVERIO
MADISON P. NGUYEN
DAVID D CORTESE, VICE MAYOR
JUDY CHIRCO
NANCY PYLE

DISTRICT 6
DISTRICT 7
DISTRICT 8
DISTRICT 9
DISTRICT 10



Welcome to the San José City Council meeting!

This Agenda contains both a Consent Calendar section for routine business items that require Council approval, and general business items arranged to correspond with San José's City Service Areas (CSAs). City Service Areas represent the policy-making level for strategic planning, policy setting, and investment decisions in the critical functions the City provides to the community. They are:

- **Strategic Support Services** — The internal functions that enable the CSAs to provide direct services to the community in an effective and efficient manner.
- **Community & Economic Development** — Manage the growth and change of the community in order to create and preserve healthy neighborhoods and ensure a diverse range of employment and housing opportunities.
- **Neighborhood Services** — Serve, foster, and strengthen community by providing access to lifelong learning and opportunities to enjoy life.
- **Transportation & Aviation Services** — A safe and efficient transportation system that contributes to the livability and economic health of the City; and provide for the air transportation needs of the community and the region at levels that is acceptable to the community.
- **Environment and Utility Services** — Manage environmental services and utility systems to ensure a sustainable environment for the community.
- **Public Safety Services** — Commitment to excellence in public safety by investing in neighborhood partnerships as well as prevention, enforcement, and emergency preparedness services.

Items listed in Section 9 require approval of both the City Council and the San José Redevelopment Agency Board.

You may speak to the City Council about any item that is on the agenda, and you may also speak on items that are not on the agenda during Open Forum. If you wish to speak to the City Council, please refer to the following guidelines:

- **Fill out a Yellow Speaker's Card and submit it to the City Clerk seated at the front table. Do this before the meeting or before the item is heard.** This will ensure that your name is called for the item(s) that you wish to address, and it will help ensure the meeting runs smoothly for all participants.
- When the Council reaches your item on the agenda, Mayor Reed will open the public hearing and call your name. Please address the Council from the podium, which is located to the left of the City Clerk's table.
- Each speaker generally has two minutes to speak per item. The amount of time allotted to speakers may vary at the Mayor's discretion, depending on the number of speakers or the length of the agenda.
- To assist you in tracking your speaking time, there is a display on the podium. The green light turns on when you begin speaking; the yellow light turns on when you have 30 seconds left; and the red light turns on when your speaking time is up.

Please be advised that, by law, the City Council is unable to discuss or take action on issues presented during Open Forum. According to State Law (the Brown Act) items must first be noticed on the agenda before any discussion or action.

The San José City Council meets every Tuesday at 1:30 p.m. and every first and third Tuesday at 7 p.m., unless otherwise noted. If you have any questions, please direct them to the City Clerk's staff seated at the tables just below the dais. Thank you for taking the time to attend today's meeting. We look forward to seeing you at future meetings.

Agendas and Staff Reports for City Council items may be viewed on the Internet at www.sanjoseca.gov/clerk/agenda.asp. Council Meetings are televised live and rebroadcast on Channel 26.

To arrange an accommodation under the Americans with Disabilities Act to participate in this public meeting, please call (408) 535-1260 or (408) 294-9337 (TTY) at least two business days before the meeting.

On occasion the City Council may consider agenda items out of order.

•□ Call to Order and Roll Call

**9:32 a.m. - Closed Session, Call to Order in Council Chambers
Absent Council Members: Campos, Constant. (Excused)**

**1:32 p.m. - Regular Session, Council Chambers, City Hall
Absent Council Members: Constant. (Excused)**

**7:01 p.m. - Public Hearings, Council Chambers, City Hall
Absent Council Members: None.**

•□ Invocation (District 8)

The Silver Creek High School Chamber Chorus presented the Invocation.

•□ Pledge of Allegiance

Mayor Reed led the Pledge of Allegiance.

•□ Orders of the Day

The Orders of the Day and the Amended Agenda were approved, with Items 2.1(e)(f), 3.1, 3.2 and 3.5 deferred to October 2, 2007 and Item 1.2 deferred to 10/16/07. Staff was directed to bring back on October 2, 2007 Item 3.3, heard 9/18/07 (approval to implement the terms of the award resulting from the interest arbitration between the City and the International Association of Firefighters, Local 230) for clarification of Council direction on implementation of Anti-Terrorism training pay.

•□ Closed Session Report

No Report.

1. CEREMONIAL ITEMS

- 1.1** Swearing in ceremony for District 1 Youth Commissioner Kavya Shankar, District 5 Youth Commissioner Kim Nguyen, District 7 Youth Commissioner Amanda Aldama, and District 9 Youth Commissioner Katie Hawn. (City Clerk)
(Rules Committee referral 9/12/07)

Heard in the evening.

City Clerk Lee Price administered Oaths of Office to the new Youth Commissioners Kavya Shankar, District 1; Kim Nguyen, District 5; Amanda Aldama, District 7 and Katie Hawn, District 9.

- 1.2** Presentation of a commendation to the Fiscal MIS Team (Work2future) for their exemplary dedication and valuable contributions to the City organization. (City Manager's Office/Mayor)

Deferred to 10/16/07 per Orders of the Day.

- 1.3** Presentation of a commendation to Timothy Chang for his accomplishments as a dedicated member of the Oakland Cloud Dusters, one of the oldest, continuously operating model airplane clubs in the country, and as an active participant in the Moreland West Community Center Model Airplane program. (Constant)

Heard in the evening.

Mayor Reed and Council Member Constant recognized and commended Mr. Timothy Chang for his outstanding achievements.

- 1.4** Presentation of a commendation to the Moreland Little League 12-Year Old All Stars in recognition of their accomplishments in the Northern California Little League. (Constant)

Heard in the evening.

Mayor Reed and Council Member Constant recognized and commended the Moreland Little League 12-Year Old All Stars for their achievements.

- 1.5** Presentation of a commendation to Fire Stations 21 and 24 for their selfless and generous work in the community. (Cortese)

(Rules Committee referral 9/12/07)

Mayor Reed and Vice Mayor Cortese recognized and commended the firefighters of Fire Stations 21 and 24 for their selfless dedication to the residents of San José.

- 1.6** Presentation of a commendation to the Purchasing Division for receiving the Achievement of Excellence in Procurement Award. (Mayor)

Mayor Reed recognized and commended the Purchasing Division for receiving the Achievement of Excellence in Procurement Award.

- 1.7** Presentation of a proclamation for Hispanic Heritage Month beginning September 15, 2007 in the City of San José. (Campos)

(Rules Committee referral 9/19/07)

Mayor Reed, Vice Mayor Cortese and Council Members Campos, Nguyen and Liccardo recognized the month beginning at September 15, 2007 as "Hispanic Heritage Month".

1. CEREMONIAL ITEMS

- 1.8** Presentation of a commendation to the Pune Sister City Committee and students from the Saint Francis High School for their efforts to help middle school-age girls continue their education in the City of Pune, India. (Mayor)
(Rules Committee referral 9/19/07)

Heard in the evening.

Mayor Reed recognized and commended the Pune Sister City Committee and students from the Saint Francis High School for their efforts to help middle school-age girls continue their education in the City of Pune, India.

- 1.9** Presentation of a commendation to Randi Kinman and Ken Henning for their hard work, dedication and commitment to the City's Kaboom!-partnership projects and the children of San José. (Pyle)
(Rules Committee referral 9/19/07)

Mayor Reed and Council Members Pyle and Oliverio recognized and commended Ms. Randi Kinman and Mr. Ken Henning for their dedication to the City's Kaboom! partnership projects and the children of the City of San José.

2. CONSENT CALENDAR

2.1 Approval of Minutes.

Recommendation: Approval of Minutes.

- (a) Regular minutes of June 5, 2007.
- (b) Special Meeting minutes of June 11, 2007 on Proposed Operating and Capital Budgets.
- (c) Regular minutes of June 12, 2007.

Approved.

Disqualified: Chu.

- (d) Regular minutes of June 19, 2007.

Approved.

- (e) Special Meeting minutes of June 21, 2007 on Various Police Related Reports.
- (f) Regular minutes of June 26, 2007.

Deferred to October 2, 2007 per Orders of the Day.

2.2 Final adoption of ordinances.

Recommendation: Final adoption of ordinances.

- (a) ORD. NO. 28110 – Amending Section 19 of Ordinance No. 27521 to permit retired members of the Federated City Employees Retirement System to add domestic partners under certain circumstances.

Ordinance No. 28110 adopted.

2. CONSENT CALENDAR

2.2 Final adoption of ordinances (Cont'd.)

- (b) ORD. NO. 28116 – Amending Title 16 of the San José Municipal Code to add a new Chapter 16.50 to authorize nonprofit organization fundraisers by eligible nonprofit organizations, adding Section 16.02.315 defining an eligible nonprofit organization, adding Section 16.02.455 defining nonprofit organization fundraisers, adding Section 16.02.475 defining a person or entity, adding Section 16.02.505 defining a registrant and to make conforming, clarifying and technical amendments to Sections 16.02.010, 16.02.240, 16.02.260, 16.02.270, 16.06.030, 16.26.010, 16.40.060 and 16.40.070.

Ordinance No. 28116 adopted.

- (c) ORD. NO. 28117 – Rezoning certain real property situated at the west side of Dent Avenue approximately 400 feet south of Branham Lane (4977 Dent Avenue) from the R-M Multiple Residence Zoning District to the A(PD) Planned Development Zoning District. PDC07-024

Ordinance No. 28117 adopted.

2.3 Approval to amend an agreement with San José Stage Company.

Recommendation: Adoption of a resolution authorizing the City Manager to negotiate and execute a third amendment to the grant agreement with San José Stage Company, to:

- (a) Extend the term of the agreement to an optional fourth year with a grant in an amount not to exceed \$69,977, thereby increasing the total grant amount to \$284,105 for the four-year term.

- (b) Make other amendments necessary for the administration of the grant.

CEQA: Not a Project. (Economic Development)

(Deferred from 9/11/07 – Item 2.4)

Resolution No. 74008 adopted.

2.4 Request for an excused absence for Vice Mayor Cortese.

Recommendation: Request for an excused absence for Vice Mayor Cortese from the Regular Meeting of the Evening City Council Meeting on September 11, 2007 due to Authorized City Business: Crime Update Meeting in Council District 8 at Canyon Creek Park. (Cortese)

(Rules Committee referral 9/12/07)

Approved.

2. CONSENT CALENDAR

2.5 Approval of Contract Change Order #2 for the Airport North Concourse Building Structural Steel Package 2C Project.

Recommendation: Approval of Contract Change Order # 2 for the Norman Y. Mineta San José International Airport North Concourse Building Structural Steel, Package 02C in the total amount of \$687,201, at no increase in the total contract amount to convert certain allowance specifications for Bid Items 3 and 4 to cover the following necessary items:

- (a) Structural steel finishes.
- (b) Crucible column changes resulting from coordination of the building plans, at the interface, with Terminal B, Phase One Project.
- (c) Package #4 coordination changes.
- (d) Changes due to roof opening and stair landing relocations.

CEQA: Resolution Nos. 67380 and 71451, File No. PP07-175. (Public Works/Airport)
Approved.

2.6 Approval of actions related to the Strategic Planning Retreat Report.

Recommendation: As recommended by the Rules and Open Government Committee of September 19, 2007:

- (a) Accept the Staff report on the September 4, 2007 Priority Setting Follow-up Session.

Report Accepted.

- (b) Approve the following Core Values, as developed by the Employee Values Project Team and reaffirmed at the retreat:
 - (1) Integrity
 - (2) Innovation
 - (3) Excellence
 - (4) Collaboration
 - (5) Respect
 - (6) Celebration
- (c) Approve the following three-year goals as reaffirmed at the retreat on September 4, 2007:
 - (1) Maintain our status as the Safest Big City in America.
 - (2) Eliminate the structural budget deficit.
 - (3) Reduce deferred maintenance and the infrastructure backlog and develop a strategy to improve the infrastructure.
 - (4) Increase economic vitality.
 - (5) Provide full funding for parks, pools, community centers and libraries, including maintenance, operation and development.
- (d) Approve the six-month objectives, as noted in the matrix, for the period of September 2007 – February 2008.

(Mayor)

[Rules Committee referral 9/19/07 – Item A(1)(a)(1)]

Approved.

2. CONSENT CALENDAR

2.7 Approval of reappointments to the Committee for Transit Accessibility.

Recommendation: As recommended by the Rules and Open Government Committee of September 19, 2007:

- (a) Approve the reappointment of Committee for Transit Accessibility (CTA) incumbent Sandra Gouveia.
- (b) Approve the reappointment of Committee for Transit Accessibility (CTA) incumbent Emma Eljas.
- (c) Approve the reappointment of Committee for Transit Accessibility (CTA) incumbent Randy Tamez.

(Mayor)

[Rules Committee referral 9/19/07 – Item F(1)]

Approved.

2.8 Approval of work2future Board Nominations.

Recommendation: As recommended by the Rules and Open Government Committee of September 19, 2007, approve the appointments of Ananth “Naga” Nagaraj and Michelle R. Montoya to serve as private sector representatives on the Work2future Board of Directors. (Mayor)

[Rules Committee referral 9/19/07 – Item F(2)]

Approved.

2.9 Festival in the Park Donation.

Recommendation:

- (a) As recommended by the Rules and Open Government Committee, accept a \$1,500 donation from Raisch Products to be used to cover some of the expenses of the Annual District 1 Festival in the Park on September 29, 2007, as requested by Council Member Constant.

Accepted.

- (b) It is recommended that the City Council adopt the following Appropriation Ordinance and Funding Sources Resolution amendments in the Gift Trust Fund.
 - (1) Establish an appropriation in the Gift Trust Fund for the Annual District I Festival in the Park in the amount of \$1,500.
 - (2) Increase the estimate for Earned Revenue by \$1,500.

(Constant/City Clerk)

[Rules Committee referral 9/19/07 – Item G(3)]

Ordinance No. 28123 adopted.

Resolution No. 74008 adopted.

2. CONSENT CALENDAR

2.10 Approval of actions related to an Audit of the City Auditor's Office.

Recommendation: As recommended by the Rules and Open Government Committee of September 19, 2007, adoption of a resolution authorizing the City Clerk to execute an agreement with the Association of Local Government Auditors (ALGA) to perform an audit of the City Auditor's Office for FY 2005-06 and FY 2006-07, pursuant to the peer review guidelines of the ALGA, in exchange for reimbursement of expenses for the audit team and the provision of reciprocal audit services by the City Auditor's Office. (Mayor) [Rules Committee referral 9/19/07 – Item G(4)]

Resolution No. 74009 adopted.

3. STRATEGIC SUPPORT SERVICES

3.1 Report of the Rules and Open Government Committee – August 29, 2007

Mayor Reed, Chair

- (a) City Council
 - (1) Review September 4, 2007 City Council Agenda
 - (2) Review September 11, 2007 Draft City Council Agenda
- (b) Redevelopment Agency items reported out at Redevelopment Agency meeting
- (c) Legislative Update
 - (1) State
 - (a) AB 444 (Hancock) – Motor Vehicle Registration Fees.
 - (b) SB 275 (Cedillo) – Health Care Facilities: Patient Transport – Supplemental Memorandum
Heard By Council 9/11/07 – Item 3.7.
 - (c) SB 184 (Alquist and Correa) – Transportation Projects.
Heard By Council 9/11/07 – Item 3.8.
 - (2) Federal
 - (a) Federal Relations Update – August Recess 2007.
- (d) Meeting Schedules
- (e) The Public Record
- (f) Appointments to Boards, Commissions and Committees
- (g) Rules Committee Reviews, Recommendations and Approvals
- (h) Review of Additions to Council Committee Agendas
 - (1) Community and Economic Development Committee
 - (2) Neighborhood Services and Education Committee
 - (3) Transportation and Environment Committee
 - (4) Public Safety, Finance and Strategic Support Committee
- (i) Open Government Initiatives
- (j) Open Forum
- (k) Adjournment

Deferred to October 2, 2007 per Orders of the Day.

3. STRATEGIC SUPPORT SERVICES

- 3.2 Report of the Rules and Open Government Committee – September 5, 2007**
Mayor Reed, Chair
- (a) City Council
 - (1) Review September 11, 2007 City Council Agenda
 - (2) Review September 18, 2007 Draft City Council Agenda
 - (b) Redevelopment Agency items reported out at Redevelopment Agency meeting
 - (c) Legislative Update
 - (1) State
 - (a) SB732 (Steinberg) - Safe Drinking Water, Water Quality and Supply, Flood Control, River and Coastal Protection Bond Act of 2006.
- Heard By Council 9/11/07 – Item 3.14.**
- (d) Federal
 - (e) Meeting Schedules
 - (f) The Public Record
 - (g) Appointments to Boards, Commissions and Committees
 - (h) Rules Committee Reviews, Recommendations and Approvals
 - (1) Proposal for a citywide inclusionary transit-oriented housing policy.
 - (2) Authorization to Travel. (Chirco)
 - (3) Urgency Ordinance regarding dead or dying tree replacements.
 - (4) City Auditor's 2007-08 Workplan.
 - (i) Review of Additions to Council Committee Agendas
 - (1) Community and Economic Development Committee
 - (2) Neighborhood Services and Education Committee
 - (3) Transportation and Environment Committee
 - (4) Public Safety, Finance and Strategic Support Committee
 - (j) Open Government Initiatives
 - (1) Reed Reforms
 - (2) Sunshine Reform Task Force
 - (3) Significant Public Records Act Requests
 - (4) Council Policy Manual Update
 - (k) Open Forum
 - (l) Adjournment

Deferred to October 2, 2007 per Orders of the Day.

- 3.3 Report of the Public Safety, Finance and Strategic Support Committee**
Council Member Nguyen, Chair
No Report.

- 3.4 Approval of Staff's response to the Grand Jury Report related to Team San José.**

Recommendation:

- (a) Acceptance of the Staff response to the Civil Grand Jury Report entitled, "*The City Fails to Hold Team San José Accountable.*"
Accepted.

3. STRATEGIC SUPPORT SERVICES

3.4 Approval of Staff's response to the Grand Jury Report related to Team San José (Cont'd.)

- (b) Direction to Staff to set a City Council Special Meeting in December 2007 for the purpose of discussing and evaluating information and analysis from a variety of reports to enable the City Council to decide whether to issue a new RFP or to extend the Agreement with Team San Jose for five years.

CEQA: Not a Project. (City Manager's Office)

Approved.

3.5 Report of the Rules and Open Government Committee – August 22, 2007

Mayor Reed, Chair

- (a) City Council
- (1) Review August 28, 2007 City Council Agenda
 - (2) Review September 4, 2007 Draft City Council Agenda
- None – Meeting Canceled**
- (b) Redevelopment Agency items reported out at Redevelopment Agency meeting
- (c) Legislative Update
- (1) State
 - (a) SB 264 (Alquist) – Transaction and Use Taxes
Heard By Council 8/28/07 – Item 3.8.
AB 444 (Hancock) – Motor Vehicle Registration Fees.
 - (b) SB 375 (Steinberg) – Regional Preferred Growth Scenarios.
Heard By Council 8/28/07 – Item 3.9.
 - (c) 2007 League of California Cities Resolutions.
Heard By Council 8/28/07 – Item 3.10.
 - (2) Federal
- (d) Meeting Schedules
- (1) Scheduling of Council Appointee Reviews. (Mayor)
 - (2) Approve Redevelopment Agency Board Budget Study Sessions:
 - (a) Redevelopment Agency Study Session on the FY 2007-08
Redevelopment Agency Capital Improvement Budget on September 6, 2007 from 9:00 a.m. – Noon;
 - (b) Redevelopment Agency Study Session on San José McEnergy Convention Center Expansion on November 13, 2007 from 8:00 a.m. – Noon. (Redevelopment Agency)
- (e) The Public Record
- (f) Appointments to Boards, Commissions and Committees
- (1) Arts Commission Appointment.
- (g) Rules Committee Reviews, Recommendations and Approvals
- (1) Proposal for a citywide inclusionary transit-oriented housing policy.
 - (2) Discussion of the decision to join the City of San Francisco in the Amicus Brief regarding California Supreme Court Case No. S147999: The constitutionality of same sex marriages.

3. STRATEGIC SUPPORT SERVICES

- 3.5 Report of the Rules and Open Government Committee – August 22, 2007 (Cont'd.)**
Mayor Reed, Chair
- (g) Rules Committee Reviews, Recommendations and Approvals (Cont'd.)
(3) Referral of an Audit of the Emergency Communications Center.
(4) Discussion of audit and follow up alternatives for maintaining service levels of History Park in compliance with Mayor's Budget Addendum #4.
- (h) Review of Additions to Council Committee Agendas
(1) Community and Economic Development Committee
(2) Neighborhood Services and Education Committee
(a) Add item entitled, "Grants Policy and an Emergency Grants Policy and Procedure" to the September 13, 2007 agenda.
- (h) (3) Transportation and Environment Committee
(4) Public Safety, Finance and Strategic Support Committee
- (i) Open Government Initiatives
- (j) Open Forum
- (k) Adjournment
- (Deferred from 9/18/07 – Item 3.1)
- Deferred to October 2, 2007 per Orders of the Day.**

4. COMMUNITY & ECONOMIC DEVELOPMENT

- 4.1 Report of the Community & Economic Development Committee**
Council Member Pyle, Chair
No Report.
- 4.2 Approval to conduct Public Hearings on various Historic Landmark Nominations.**

Recommendation: Public Hearings on and consideration of adoption of resolutions approving the following Historic Landmark nominations for designation as Historic Landmarks and adoption of resolutions approving Historical Property Contracts related to each Historic Landmark:

- (a) Projects located at 1023 Bird Avenue (Keith and Pamela Shukait, Owners) as follows:
(1) HL06-157. Historic Landmark Nomination for the Queen Anne Victorian House as Historic Landmark No. 157.
(2) MA07-002. Historical Property Contract (California Mills Act contract) between the City of San José and the owners of the subject property.

CEQA: Exempt. Council District 6. (Planning, Building and Code Enforcement)
(Continued from 8/14/07 – Item 4.4)

Resolution No. 74010 adopted.
Resolution No. 74011 adopted.

4. COMMUNITY & ECONOMIC DEVELOPMENT

4.2 Approval to conduct Public Hearings on various Historic Landmark Nominations (Cont'd.)

- (b) Projects located at 754 S. Third Street (Judith and Scott Morrella, Owners) as follows:
- (1) HL07-159. Historic Landmark Nomination for the Brownlee House as Historic Landmark No. 159.
 - (2) MA07-005. Historical Property Contract (California Mills Act contract) between the City of San José and the owners of the subject property.
CEQA: Exempt. Council District 3. SNI: Spartan/Keyes. (Planning, Building and Code Enforcement)
Resolution No. 74012 adopted.
Resolution No. 74013 adopted.
- (c) Projects located at 328 N. Sixth Street (Diana Hardick and Miranda Von Stockhausen, Owners) as follows:
- (1) HL07-160. Historic Landmark Nomination for the Henry and Florence Reed House as Historic Landmark No. 160.
 - (2) MA07-006. Historical Property Contract (California Mills Act contract) between the City of San José and the owners of the subject property.
CEQA: Exempt. Council District 3. SNI: Thirteenth Street. (Planning, Building and Code Enforcement)
Resolution No. 74014 adopted.
Resolution No. 74015 adopted.
- (d) Projects located at 336 N. Sixth Street (Robert Abatecola and Carol Devers-Abatecola, Owners) as follows:
- (1) HL07-161. Historic Landmark Nomination for the Herrington house as Historic Landmark No. 161.
 - (2) MA07-004. Historical Property Contract (California Mills Act contract) between the City of San José and the owners of the subject property.
CEQA: Exempt. Council District 3. SNI: Thirteenth Street. (Planning, Building and Code Enforcement)
Resolution No. 74016 adopted.
Resolution No. 74017 adopted.
- (e) Projects located at 483 N. Fifth Street (Lisa and Shawn Shelton, Owners) as follows:
- (1) HL07-162. Historic Landmark Nomination for the Haydock house as Historic Landmark No. 162.
 - (2) MA07-007. Historical Property Contract (California Mills Act contract) between the City of San José and the owners of the subject property.
CEQA: Exempt. Council District 3. SNI: Thirteenth Street. (Planning, Building and Code Enforcement)
Resolution No. 74018 adopted.
Resolution No. 74019 adopted.

4. COMMUNITY & ECONOMIC DEVELOPMENT

4.3 Approval of actions related to Public/Private Partnerships and applicability of Prevailing Wage to donated services.

Recommendation:

- (a) Provide direction to staff on whether the City's Prevailing Wage Policy should be revised to exclude:
 - (1) Work performed by volunteers, volunteer coordinators, and Conservation Corps, as defined in the California Labor Code, and Habitat for Humanity;
 - (2) Construction and/or maintenance services donated by private entities to the City;
 - (3) Services involving expenditures less than \$25,000 for new construction and \$15,000 (annually) for alteration, demolition, repair or maintenance work; and/or,
 - (4) If Council determines prevailing wage should apply to donated services, eliminate the reporting requirements.
- (b) Direction to the City Attorney's Office to draft revisions to the City's Prevailing Wage Policy in accordance with City Council direction.

CEQA: Not a Project. (City Manager's Office/Parks, Recreation and Neighborhood Services/Public Works)

Heard in the evening.

Approved, as amended, the memoranda from Mayor Reed, dated September 20, 2007, and September 24, 2007 were approved, with the following recommendations:

- (1) Confirm existing Prevailing Wage Policy language for Parks Maintenance: "City maintenance projects of a routine, recurring or usual nature for preservation, protection and keeping of City owned buildings, structures and ground facilities, where work is performed pursuant to contracts to which the City is a party and which exceed the contractual amount of \$1,000.00."
- (2) Staff was directed to refer analysis first to the "public/private partnerships labor partners stakeholder group"; and further directed to include in the analysis to be brought forth by the City Manager's Structural Deficit Task Force a review of the implications of a policy that would exempt private sector entities that donate services for parks maintenance from the Prevailing Wage Policy if the City is not paying for the work and jobs of regular City employees are not eliminated as a result of the donation.
- (3) Amend the Policy to make clear that it excludes work performed by volunteers or volunteer coordinators.
- (4) Staff was directed to include public/private partnerships for parks maintenance for all new parks as part of the analysis to be brought forth by the City Manager's Structural Deficit Team.
- (5) Amend the Policy to make it clear that that it excludes work performed by the Conservation Corps, as defined by the California Labor Code, Habitat For Humanity, Our City Forest and community service days by paid employees of corporations.

5. NEIGHBORHOOD SERVICES

5.1 Report of the Neighborhood Services and Education Committee – September 13, 2007 Council Member Chirco, Chair

- (a) Report on Live Homework Help Grant. (Library)
The Committee accepted the Staff Report.
- (b) After School Program Update. (PRNS)
The Committee accepted the Staff Report.
- (c) Grants Quarterly Status Report. (PRNS)
The Committee accepted the Staff Report.
- (d) Approval of Proposed Grants Policy and a Proposed Emergency Grants Policy and Procedure. (CMO)
Deferred to October 2007.
- (e) Strong Neighborhoods Monthly Update. (CMO)
 - (1) SNI Report on Investment
The Committee accepted the Staff Report. Staff was directed to cross reference this item for the full Council on September 25, 2007.
- (f) Schools/City Collaborative Monthly Update. (CMO/Neighborhood Services CSA)
 - (1) Report on Schools/City Collaborative Meeting
No action required.
- (g) Quarterly Report on Performance Measurements.
Deferred to November 2007.
- (h) Quarterly Update on Council Directives.
There were none.
- (i) Oral Petitions.
There were none.
- (j) Adjournment.
The meeting was adjourned at 2:19 p.m.

The Neighborhood Services and Education Committee Report and the Actions of September 13, 2007 were accepted.

5. NEIGHBORHOOD SERVICES

5.2 Approval of actions related to the Neighborhoods Commission Proposal.

Recommendation: Approval of the concept of a new Neighborhood Commission, as proposed to the NSE Committee, which approved with the following amendments:

- (a) The Neighborhoods Commission annual work plan will be developed in coordination with, and approved by, the NSE Committee; and,
- (b) The Neighborhoods Commission be instituted as a pilot from April 1, 2008 to March 31, 2010; and,
- (c) The Neighborhoods Commission provide quarterly updates to the NSE Committee throughout the two-year pilot period; and,
- (d) Direction to the City Attorney to draft an ordinance establishing the Neighborhoods Commission on a pilot basis.

CEQA: Not a Project. (City Manager's Office)

[Neighborhood Services and Education Committee 8/9/07 – Item (e)(1)]

(Deferred from 8/28/07 – Item 5.2)

Heard in the evening.

Approved, as amended, the memorandum from Mayor Reed and Council Members Chirco and Pyle, dated September 20, 2007, was approved with the following conditions:

- (1) The Neighborhoods Commission will not duplicate the mission or work of any existing commission, including the Planning Commission, Library Commission, Parks and Recreation Commission or Historic Landmarks Commission.
- (2) The Neighborhoods Commission is not to be another level of review for land use projects.
- (3) Until the Neighborhoods Commission annual work plan is completed and approved by Council, no decisions will be made about staffing and budget requirements.
- (4) Staff was directed to return with an analysis of all existing boards, commissions and other public bodies and the costs to staff each, looking at redundancies and opportunities for consolidation, efficiency and elimination.

6. TRANSPORTATION & AVIATION SERVICES

6.1 Report of the Transportation and Environment Committee Council Member Williams, Chair No Report.

6. TRANSPORTATION & AVIATION SERVICES

6.2 Approval to amend the agreements for management of Airport Shuttle Bus Services.

Recommendation: Adoption of a resolution authorizing the Director of Finance to:

- (a) Execute the fifth amendment to the agreement for Management of the Airport Common Use Rental Car Bus System with Shuttleport California, LLC to extend the term of the agreement for an additional six month period, from October 1, 2007 to March 31, 2008, for a total compensation of \$2,200,000 for the extension period, subject to an earlier termination at the City's option.
- (b) Execute the fourth amendment to the agreement for Management of the Airport Shuttle Bus Transportation Personnel and Bus Scheduling with Shuttleport California, LLC to extend the term of the Agreement for an additional six (6) month period, from October 1, 2007 to March 31, 2008, for a total compensation of \$2,800,000 for the Extension Period, subject to an earlier termination at the City's option.

CEQA: Resolution Nos. 67380 and 71451, File No. PP07-170. (Finance)

Resolution No. 74020 adopted, with Staff requested to post in buses the phone number of the appropriate Airport Office to call if wait times are longer than standard, or to express other concerns.

6.3 Approval of actions related to Our City Forest.

Recommendation:

- (a) Adoption of a Resolution authorizing the City Manager to negotiate and execute the following grant agreements and lease agreement with Our City Forest:
 - (1) An Annual Operating Grant Agreement for 2007-08, not to exceed One-Hundred Forty-Three Thousand (\$143,000) dollars;
 - (2) A Matching Grant Agreement in an amount not to exceed One-Hundred Twenty Thousand (\$120,000) dollars for Our City Forest to apply towards its local match required to secure the AmeriCorps Grant; and
 - (3) A Lease Agreement allowing Our City Forest to use office space, at below market rate, in the City-owned building at 151 W. Mission Street from October 1, 2007 to September 30, 2008, with an option for the City to extend the lease on a month-to-month basis thereafter for up to a maximum of two additional years.

Resolution No. 74021 adopted.

- (b) Adoption of a Resolution finding Our City Forest exempt from the provision in Council Policy 7-1 that requires Our City Forest to fund repair and maintenance costs of the City-owned facility.

Resolution No. 74022 adopted.

- (c) Direction to the Administration to incorporate future grant requests for tree-related services through the annual budget process.

CEQA: Exempt, File No. PP04-313. (Transportation)

(Deferred from 9/18/07 – Item 6.2)

Approved.

7. ENVIRONMENTAL & UTILITY SERVICES

8. PUBLIC SAFETY SERVICES

8.1 Approval of actions related to the renovation or reconstruction of Fire Station No. 2.

Recommendation:

- (a) Acceptance of the cost benefit analysis and direct staff to proceed with one of the three options for the renovation or reconstruction of the Fire Station No. 2 Project.

Accepted.

Noes: Chirco, Constant, Liccardo, Oliverio; Reed.

- (b) Adoption of the appropriate appropriation ordinance and funding resolution amendments for the approved option as outlined in Attachment A of the Council report.

CEQA: Exempt, File No. PP05-220. Council District 5. (Fire/City Manager's Office/ Public Works)

(Deferred from 8/28/07 – Item 8.1)

Heard in the evening.

Ordinance No. 28124 adopted.

Resolution No. 74024 adopted.

Noes: Chirco, Constant, Liccardo, Oliverio; Reed.

The memorandum from Vice Mayor Cortese and Council Members Campos, Nguyen and Chu, dated September 25, 2007 was approved as follows:

- (1) Approved the rebuild of Fire Station 2 and designated the following appropriations to the remaining unfunded project costs of the rebuild was approved:
- (a) Directed the Redevelopment Agency Execute Director to allocate \$1.4 million from the sale of the vacant P1 pad at Plaza de San José, with RDA funds being conditional upon amendment of the Redevelopment Plan. The use of these funds and the amendment of the Redevelopment Plan should be coordinated to prevent any further project delays.
 - (b) Directed the Redevelopment Agency Execute Director to allocate \$1.3 million in future Strong Neighborhoods Initiative reserves.
 - (c) Designate \$500,000 in funds from the Fire Construction and Property Conveyance Tax Fund
 - (d) Allocate \$1.8 million from the Public Safety Bond Contingency Reserve.
- (2) Directed Staff to work in good faith towards finalized an agreement with the East Side Union High School District for \$1.5 million to accommodate fire magnet program students. This should be done either by maximizing efficiency of the building to accommodate the program students or by utilizing adjacent property. To the extent that a joint use agreement is required, this agreement should return to the City Council for approval.

Noes: Chirco, Constant, Liccardo, Oliverio; Reed.

8. PUBLIC SAFETY SERVICES

8.2 Acceptance of the Police Department's report related to the Safest Big City in America.

Recommendation: Acceptance of the Police Department's (SJPD) report on the referral issued in the Mayor's March Budget Message, "Safest Big City in America: The residents of San José and the City Council have made public safety a priority. The City Manager is directed to report to the City Council on any additional steps necessary for San José to maintain its title as Safest Big City in America". CEQA: Not a Project. (Police)

Report accepted, with Staff requested to report out when resources or additional funding is needed to address gang activity and further to bring options forward to Council for consideration and/or reevaluation for purposes of shifting City resources.

9. JOINT COUNCIL/REDEVELOPMENT AGENCY

The Redevelopment Agency Board convened at 4:29 p.m. to consider Items 9.1 and 9.2 in a Joint Session.

9.1 Acceptance of the Status Report on the Citywide Capital Improvement Program.

Recommendation: Acceptance of the Status Report on the Citywide Capital Improvement Program, including Parks, Library, and Public Safety Bond Projects, and Strong Neighborhoods Initiative Projects funded by the City and the Redevelopment Agency. CEQA: Not a Project. (City Manager's Office/Redevelopment Agency)

Report Accepted.

9.2 Adoption of resolutions related to the City's Inclusionary Housing Policy.

Recommendation: Adoption of resolutions by the City Council and Agency Board that:

- (a) Define a pipeline project in the City's recently revised Inclusionary Housing Policy to include those projects that have filed for a discretionary permit with Planning and have an Agency-approved written Compliance Plan dated prior to July 1, 2007.
- (b) Clarify the required number of affordability units to be used to calculate the in-lieu fee payments under the various options and programs provided in the Inclusionary Housing Policy.
- (c) Extend the term of the Amnesty period provided for under the Inclusionary Housing Policy from 90 days to 120 days.

(City Manager's Office/Redevelopment Agency)

(Rules Committee referral 9/12/07)

Resolution No. 74023 and Redevelopment Agency Resolution No. 5782 adopted, as amended, with a clarification that the definition of "pipeline project" does not apply to any future policy the Council may craft for Inclusionary Housing outside of the Redevelopment areas.

- Notice of City Engineer's Pending Decision on Final Maps

In accordance with Sec. 19.16.140d of the San José Municipal Code, this is notice of the City Engineer's receipt of the following Final Maps for review:

<u>Tract</u>	<u>Location</u>	<u>Council District</u>	<u>Developer</u>	<u>Lots/Units</u>	<u>Type</u>
9951	S/S of Paula Street, 200' W of Race Street	6	Rockwell Homes	1 Lot/ 12 Units	MFA

- Notice of City Engineer's Award of Construction Projects
None.

- Open Forum

- (1) Robert Apgar shared personal observations.
- (2) Mark Trout expressed religious points of view.
- (3) Ross Signorino spoke in support of paying living wages.
- (4) Peter Ross complained about the “belligerent” street level noise.
- (5) Stephen Hazel commented on current events and observed that for every action, there is a reaction.

- Adjournment

The Council of the City of San José adjourned the afternoon session at 4:51 p.m.

10. GENERAL PLAN PUBLIC HEARINGS ON CONSENT CALENDAR

No General Plan Public Hearing at this time.

11. PUBLIC HEARINGS ON CONSENT CALENDAR

11.1 Public Hearings on Consent Calendar.

Recommendation:

- (a) Consideration of an ordinance rezoning the real property located at the southwest corner of Cinnabar Street and Stockton Avenue (345 Stockton Avenue) from LI Light Industrial Zoning District to A(PD) Planned Development Zoning District to allow up to 250 single-family attached residences in three-story buildings constructed on a podium on a 4.4 gross acre site (381 Stockton LLC, Owner; Morrison Park Homes LLC, Chris Kober, Developer). CEQA: Mitigated Negative Declaration.
PDC06-094 - District 6

[Continued from 8/28/07 – Item 11.1(c)]

Dropped.

- (b) Consideration of an ordinance rezoning the real property located at/on the southeast corner of east St. John Street and North 17 Street (838 E. St. John St.) (Health Trust, Owner) from A(PD) Planned Development Zoning District to R-1-8 Single Family Residence Zoning District to allow one single family detached residence on a 0.12 gross acre site. SNI: 13th Street. CEQA: Resolution No. 65459. Director of Planning, Building and Code Enforcement recommends approval. No Planning Commission action required.

C07-045 - District 3

Ordinance No. 28125 passed for publication.

- (c) Consideration of an ordinance rezoning the real property located on the northwest corner of Airport Parkway (East Brokaw Road) and North First Street (2101 North First Street) from LI-Light Industrial Zoning District to CG-Commercial General Zoning District to allow commercial uses on a 0.49 gross acre site (Tosco Corporation, Conocophillips Company, Owner; Mr David Joines, Developer). CEQA: Resolution No. 72768. Director of Planning, Building and Code Enforcement and Planning Commission recommend approval (7-0-0).

C07-039 - District 4

Ordinance No. 28126 passed for publication.

11. PUBLIC HEARINGS ON CONSENT CALENDAR

11.1 Public Hearings on Consent Calendar (Cont'd.)

- (d) Consideration of an ordinance rezoning the real property located on the southeast corner of McKee Road and La Pala Drive (3754 McKee Road) (MJ Core Holdings, LLC, Owner) from CP Commercial Pedestrian Zoning District to A(PD) Planned Development Zoning District to allow up to 10 single family attached or detached residences and associated improvements on a 0.4 gross acre site. CEQA: Mitigated Negative Declaration. Director of Planning, Building and Code Enforcement and Planning Commission recommend approval (7-0-0).

PDC06-060 - District 5

Ordinance No. 28127 passed for publication.

Disqualified: Cortese.

- (e) Consideration of an ordinance rezoning the real property located on the north side of University Avenue, approximately 240 feet westerly of The Alameda (1871 The Alameda) from A(PD) Planned Development Zoning District to CO Commercial Office District on a 0.91 gross acre site (Rosendin Alameda LLC, Owner). CEQA: Exempt. Director of Planning, Building and Code Enforcement recommends approval. No Planning Commission action required.

C07-032 - District 6

Ordinance No. 28128 passed for publication, as amended, with the clarification that the property is rezoned from R-1-8 Single Family Residential District.

- (f) Consideration of an ordinance rezoning the real property located on the northwest corner of Lincoln Avenue and Pascoe Avenue (1114 Curtner Avenue) (Douglas E. and Ann M. Scolari Trustee, Owner) from R-2 Two Family Residence Zoning District (Lot 12) and R-1-8 Single Family Residence Zoning District (Lot 13) to CP Commercial Pedestrian District to allow commercial retail parking on a 0.29 gross acre site. CEQA: Resolution No. 65459. Director of Planning, Building and Code Enforcement recommends approval. No Planning Commission action required.

C07-029 - District 6

Ordinance No. 28129 passed for publication.

- (g) Consideration of an ordinance rezoning the real property located on the southeast corner of Senter Road and Southside Drive (3060 and 3070 Senter Road) from the CP – Commercial Pedestrian Zoning District to the CN – Commercial Neighborhood Zoning District to allow commercial uses on a 0.36 gross acre site (Nguyen Cuc Trinh, Owner). CEQA: Resolution No. 65459. Director of Planning, Building and Code Enforcement recommends approval. No Planning Commission action required.

C07-059 - District 7

Ordinance No. 28130 passed for publication.

11. PUBLIC HEARINGS ON CONSENT CALENDAR

11.1 Public Hearings on Consent Calendar (Cont'd.)

- (h) Consideration of an ordinance rezoning the real property located on the south side of Blossom Hill Road, approximately 70 feet westerly of Hoffman Court (1250 Blossom Hill Rd) from R-1-8 Single-Family Residence Zoning District to R-M Multiple Residence District on a 0.26 gross acre site. SNI: Hoffman/Via Monte. CEQA: Exempt.

C07-027 - District 10

Continued to 10/16/07 per Administration.

END OF PUBLIC HEARINGS ON CONSENT CALENDAR

11. PUBLIC HEARINGS

11.2 Approval of actions related to the North San José Area Development Policy.

Recommendation:

- (a) Approval of the Work Program, including scope and schedule, for the North San José Neighborhoods Planning Taskforce as input to the development of an Implementation Strategy for the recently updated *North San José Area Development Policy*.
- (b) Direction to staff to continue to review and process applications for commercial, industrial and residential projects to implement the adopted *North San José Area Development Policy* and related General Plan policies, in parallel to the Taskforce Work activity.

CEQA: Resolution No. 72768. Council Districts 3 and 4. (Planning, Building and Code Enforcement)

[Continued from 6/5/07 – Item 11.6, et al. 8/28/07 – Item 11.2(a)]

The joint memorandum from Mayor Reed, Vice Mayor Cortese and Council Members Chu, Pyle and Williams, dated September 21, 2007 was approved, with Staff directed to present to the City Council a status report of the North San José Neighborhood Planning Task Force Work Program in November 2007. Topics to be presented should include:

- (1) An inventory of government owned lands in North San José and Alviso.
- (2) An inventory of total employment lands in North San José and Alviso.
- (3) A potential school site analysis and an explanation of school financing mechanisms.
- (4) A report on school capacity and process associated with redistricting if applicable.
- (5) An analysis of the need to retain a schools financing consultant.
- (6) An analysis of whether or not PDO/PIO funds could finance parks.
- (7) An analysis of sites available, if any, for a sports complex in the North San José area.
- (8) A report on urban design guidelines, a plan for retail amenities and transportation improvements plan.
- (9) An analysis of the City's compliance with the North San José Litigation Settlement Agreement.
- (10) Staff was further directed to provide the City Council with a report on the Task Force process each time a pipeline residential or industrial Phase I project comes before the Council for approval.

11. PUBLIC HEARINGS

- 11.3 Rezoning the real property located on the southwest corner of North 1st Street and Century Center.**

Recommendation: Consideration of an ordinance rezoning the real property located on the southwest corner of North 1st Street and Century Center (1733 N. 1st Street) from CO (PD) Commercial Office Planned Development, LI Light Industrial, and CG Commercial General Zoning Districts to A(PD) Planned Development Zoning District to allow up to 460 single-family attached residences and 20,000 square feet for retail commercial uses on a 2.4 gross acres site (James Schmidt Et Al, Owner). CEQA: Resolution No. 72768, and Addenda thereto. Director of Planning, Building and Code Enforcement recommends approval; Planning Commission recommends approval, with a minimum of 10,000 square feet of retail (7-0-0).

PDC05-114 - District 3

(Continued from 8/14/07 – Item 11.6, et al. 9/11/07 – Item 11.3)

Ordinance No. 28133 passed for publication.

- 11.4 Rezoning the real property located at/on the northwest corner of Zanker Road and Tasman Drive.**

Recommendation: Consideration of an ordinance rezoning the real property located at/on the northwest corner of Zanker Road and Tasman Drive (3811 Zanker Road) from IP Industrial Park Zoning District to A(PD) Planned Development Zoning District to allow up to 705 single-family and multi-family attached residences, 25,000 square foot retail space, and underground parking on a 10.01 gross acre site (Zanker Road Invrs LLC, Owner). CEQA: Resolution No. 72768, and Addendum thereto File No. PDC06-093. Director of Planning, Building and Code Enforcement and Planning Commission recommend approval (7-0-0).

PDC06-093 - District 4

(Continued from 9/11/07 – Item 11.4)

Ordinance No. 28134 passed for publication.

- 11.5 Rezoning the real property located at/on the northwest side of Baypointe Parkway, approximately 370 feet northerly of Tasman Drive.**

Recommendation: Consideration of an ordinance rezoning the real property located at/on the northwest side of Baypointe Parkway, approximately 370 feet northerly of Tasman Drive (163 Baypointe Py) from the IP Industrial Park Zoning District to the A(PD) Planned Development Zoning District to allow up to 183 single-family attached residences on a 3.16 gross acre site (First Real Estate, LLC, First Real Estate, LLC Wayne Sun, Owner; Ff Development Dan Milich, Developer). CEQA: Resolution No. 72768, and Addendum thereto File No. PDC06-061. Director of Planning, Building and Code Enforcement and Planning Commission recommend approval (7-0-0).

PDC06-061 - District 4

(Continued from 9/11/07 – Item 11.5)

(Continued on the next page)

11. PUBLIC HEARINGS

- 11.5 Rezoning the real property located at/on the northwest side of Baypointe Parkway, approximately 370 feet northerly of Tasman Drive (Cont'd.)**

Ordinance No. 28135 passed for publication, as amended, the memorandum from Council Member Chu, dated September 24, 2007, was approved, as amended, with the following conditions:

- (1) **Parks:** The City and Redevelopment Agency Staffs were directed to return in November 2007 with a funding strategy to secure the three acre parcel at 191 Baypointe Parkway for a park.
- (2) **Good Neighbor:** Provide the City of San José and adjacent property owners with regular updates on the progress of the project during construction.
- (3) **Sustainability:** Use of Leadership in Energy and Environmental Design (LEED) practices to achieve credits sufficient for a LEED Silver certification or equivalent, at the discretion of the Director of Planning, Building and Code Enforcement.
- (4) **Retail:** Staff was directed to coordinate with the developer throughout the design and permit process to ensure quality retail amenities have been designed within the project, i.e. ample clear heights, approximately sized grease inceptors, odor filtration systems, delivery options, pedestrian amenities including outdoor seating and storage for outdoor tables and chairs.

- 11.6 Rezoning the real property located on the south side of Olga Drive approximately 200 feet easterly of Saratoga Avenue.**

Recommendation: Consideration of an ordinance rezoning the real property located on the south side of Olga Drive approximately 200 feet easterly of Saratoga Avenue (4170 Olga Drive) from CP Commercial Pedestrian Zoning District to A(PD) Planned Development Zoning District to allow up to five single-family detached residences on a 0.36 gross acre site (Noel Avenue LLC, Owner). CEQA: Negative Declaration. Director of Planning, Building and Code Enforcement and Planning Commission recommend approval (7-0-0).

PDC06-112 – District 1

[Continued from 8/28/07 – Item 11.1(b) and 9/11/07 – Item 11.2]

Ordinance No. 28131 passed for publication.

11. PUBLIC HEARINGS

- 11.7 Rezoning the real property located on the east side of Monterey Highway, approximately 1,000 feet northerly of Skyway Drive.**

Recommendation: Consideration of an ordinance rezoning the real property located on the east side of Monterey Highway, approximately 1,000 feet northerly of Skyway Drive (4280 Monterey Road) from R-1-2 Residence and CP Commercial Pedestrian Zoning Districts to A(PD) Planned Development Zoning District to allow up to 38 single-family detached residences on a 4.5 gross acre site (Monterey Town Ctr, LLC, owner; Sabercat Holdings Michael Luu, Developer). CEQA: Mitigated Negative Declaration. Director of Planning, Building and Code Enforcement and Planning Commission recommend approval (7-0-0).

PDC06-004 - District 2

Ordinance No. 28132 passed for publication.

- **Open Forum**

- **Adjournment**

The Council of the City of San José was adjourned at 11:27 p.m. in memory of former Mayor Ernest Renzel, a dedicated public servant who will always be remembered as the “Father of the San José International Airport,” and for the outstanding contributions he made to the City of San José.

8. JOINT REDEVELOPMENT AGENCY ITEM

The Joint Redevelopment Agency Board convened at 4:55 p.m. to consider Items 8.1 and 8.2 in a Joint Session.

8.1 Approval of a Grant Agreement with the Mexican Heritage Corporation for the Mariachi International Festival and Conference.

Recommendation: City Council and Redevelopment Agency Board approval of a Grant Agreement, in the amount of \$100,000, with the Mexican Heritage Corporation for promotion and marketing of the 16th Annual Mariachi International Festival and Conference in downtown San José. CEQA: Not a Project. [ALUM ROCK]

Approved.

8.2 Approval of the Mayor's Redevelopment Budget Message.

Recommendation: Approval of the Mayor's Redevelopment Budget Message.
Approved.

8.3 Approval of the Agency's FY2007-2008 Amended Capital Budget and FY2008-2012 Capital Improvement Program.

Recommendation:

- (a) The Redevelopment Agency Board approval of the Redevelopment Agency's Amended Capital Budget for Fiscal Year 2007-2008.
- (b) The Redevelopment Agency Board approval of the Redevelopment Agency's Capital Improvement Program for Fiscal Years 2008-2012.

Approved.

The Council of the City of San José and Redevelopment Agency Board adjourned at 5:15 p.m.